


PROB 12C  
(7/93)

## UNITED STATES DISTRICT COURT

FILED

for

WESTERN DISTRICT OF TEXAS

SEP 16 2008  
CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
BY  DEPUTY CLERK

## Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Eduardo Espinoza-Becerril Case Number: SA-08-CR-633Name of Sentencing Judicial Officer: Honorable Micaela Alvarez, United States District JudgeDate of Original Sentence: January 24, 2006Original Offense: Transporting an Undocumented Alien Within the United States by Means of a Motor Vehicle for Private Financial Gain, in violation of 8 U.S.C. §1324(a)(1)(B)(i).Original Sentence: Four (4) years probation; \$100.00 special assessment; 75 hours community service; urinalysis and breathalyzer testing; six months home confinement; mental health treatment.Type of Supervision: Probation Date Supervision Commenced: January 24, 2006Assistant U.S. Attorney: Diana Song Defense Attorney: Alonzo Ramos

## PETITIONING THE COURT

- ☒ To issue a warrant  
☐ To issue a summons

The probation officer believes that the offender has violated the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
1	<p><b>"The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician."</b></p> <p>On July 7, 2008, the offender provided a urine specimen as directed. On July 10, 2008, the specimen returned presumptive positive for cocaine. On July 11, 2008, the offender was confronted in the office regarding this positive urinalysis and he denied the use of any illegal substances. The specimen was submitted to the laboratory for confirmation and on July 18, 2008, it was confirmed positive for cocaine.</p>

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**"The defendant shall notify the Probation Officer at least ten days prior to any change in residence or employment."**

On August 22, 2008, this officer along with United States Probation Officer Reynaldo Gutierrez, a Spanish speaking officer, conducted a home contact at the offender's residence. Officer Reynaldo Gutierrez spoke to the offender's father, who advised the offender has not been at the residence in two weeks and he believes his son may be in California.

3

**"The defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month."**

On July 25, 2008, a letter was sent to the offender directing him to report to the probation office on July 30, 2008 at 1:30 p.m. On July 28, 2008, this officer conducted an unscheduled home contact and the offender was not at the residence. A card was left with the offender's mother with instructions on the back of the card to have the offender contact this officer as soon as possible. The offender failed to report on July 30, 2008. On August 6, 2008, a second letter requiring a signature for delivery, was sent to the offender's reported address directing him to report on August 12, 2008 at 9:00 a.m. As of the writing of this report, the offender has not contacted the probation office and the letter was returned undeliverable as addressed.

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## U.S. Probation Officer Recommendation:

The offender's adjustment to supervision can be described as poor. During the inception of supervision, the offender completed mental health treatment successfully, as well as his community service and his six months home confinement.

With regards to mental health treatment, the offender was placed into treatment on October 11, 2006 and was discharged on January 30, 2007. During contacts with offender, his mental health was discussed. He did not believe any additional treatment was needed as he felt he had been given the tools to deal with his depression.

With regards to substance abuse treatment, the offender was not placed into treatment as there was no special condition nor a history of substance abuse. On July 11, 2008, the offender was confronted regarding this positive cocaine urinalysis and he adamantly denied using any illegal substances. Furthermore, the offender signed a denial form. It is apparent the offender has a substance abuse problem but is in denial.

Since the offender's whereabouts are unknown, this officer is requesting the issuance of a warrant.

☒ The term of supervision should be

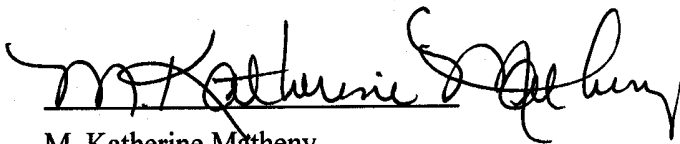
☒ revoked. (Maximum penalty: 10 months imprisonment; 3 years supervised release;  
and payment of any unsatisfied monetary sanction previously imposed)

☐ extended for \_\_\_\_\_ years, for a total term of \_\_\_\_\_ years.

☐ The conditions of supervision should be modified as follows:

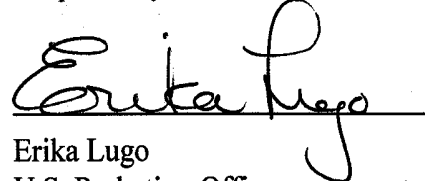
Assistant U.S. Attorney Michael R. Hardy, concurs.

Approved:



M. Katherine Matheny  
Supervising U.S. Probation Officer  
Telephone: (210) 472-6590, Ext. 305

Respectfully submitted,



Erika Lugo  
U.S. Probation Officer  
Telephone: (210) 472-6590, Ext. 340  
Date: September 8, 2008

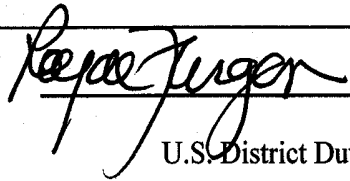
cc: Michael R. Hardy  
Assistant U.S. Attorney

Victor A. Casillas  
Assistant Deputy Chief U.S. Probation Officer

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THE COURT ORDERS:

- ☐ No action.
- ☒ The issuance of a warrant.
- ☐ The issuance of a summons.
- ☐ Other \_\_\_\_\_



U.S. District Duty Judge

09/16/08

Date